

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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September 16, 2020

By ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Thomas Baker, et al., 20 Cr. 288 (LJL)

Honorable Judge Liman:

I represent Tony McNair in the above-captioned case. Jointly with the Government, and with counsel for codefendants Thomas Baker and Kitwane Parkinson, I write to request a 45-day adjournment of the conferences presently scheduled for Monday, September 21, 2020 (as to Tony McNair), September 23, 2020 (as to Thomas Baker), and September 28, 2020 (as to Kitwane Parkinson). This is the first request by any party for an adjournment in this case.

Discovery in the case is voluminous and includes surveillance footage, body camera footage, cellular phone downloads, cell site location information, and nearly one thousand pages of medical records. Counsel for each defendant requires additional time to review. In addition, although the Government produced discovery to the Metropolitan Correctional Center (MCC), where all three defendants are incarcerated, on or about August 13, 2020, Mr. McNair, Mr. Parkinson, and Mr. Baker have yet to receive, let alone review, their copies of discovery. The Government is currently inquiring with the MCC as to why the materials have not been provided to the defendants. Finally, while the Government believes that it has completed production of the Rule 16 discovery currently in its possession, it intends to produce additional items, including New York Police Department reports, in the next two weeks.

The parties consent to the exclusion of time under the Speedy Trial Act. Thank you for your consideration of this request.

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Respectfully submitted,

/s/ Ariel Werner
Ariel Werner
Assistant Federal Defender
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CC: Counsel of record (by ECF)

REQUEST GRANTED.

The conferences will be rescheduled as follows:

The Status Conference for defendant, Tony McNair, previously scheduled for September 21, is RESCHEDULED to November 16, 2020 at 12:00PM.

The Status Conference for defendant, Thomas Baker, previously scheduled for September 23, is RESCHEDULED to November 18, 2020 at 12:00PM.

The Status Conference for defendant, Kitwane Parkinson, previously scheduled for September 28, is RESCHEDULED to November 20, 2020 at 12:00PM.

All conferences will be held by telephone and parties are directed to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101.

The Court excludes time until November 16, 2020 (for Tony McNair), November 18, 2020 (for Thomas Baker), November 20, 2020 (for Kitwane Parkinson) under the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(A) on the consent of the parties and upon a finding that the ends of justice outweigh the best interests of the defendant and the public in a speedy trial in that the time from now until the respective dates can be used for the Government to produce and the defendants to review the lengthy discovery and for the parties to have discussions about the case and its potential disposition.

9/17/2020

SO ORDERED.


LEWIS J. LIMAN
United States District Judge